

Mr. Carmichael did not see the point of the gentleman's objection, and asked if he wanted to strike out the power of removal.

Mr. Kilbourn.—Certainly not

Mr. Carmichael then continued. He was in favor of some parts of the amendment; thought fifteen years was too short a time for a good judge and too long a time for a bad judge. He favored the report of the committee, not because it was the report of the committee, but because it was right. He should also have preferred the appointment system, but the question was whether the judges to be elected under this constitution should be subjected to party influences in desiring to be re-elected, and he thought they should not.

Mr. Kilbourn read from the Declaration of Rights of 1851 the section relative to the independence of the judiciary, which he said was precisely similar to the section in the Bill of Rights as passed by this Convention. That Convention had provided that the term of office should be for ten years, and that action had been approved by the people. The term principle was no more inconsistent with this Declaration of Right now than then. That Convention declared the independence of the judiciary, but they did not deem that independence to consist of removing the judge from the control of the majority of the people.

Mr. Carmichael did not suppose the argument was worth anything one way or the other, but he would say that it was contended that all the great men in the Convention of 1851 had voted against this term principle, and he knew that hundreds of votes had been cast against the constitution on that account.

On motion of Mr. Barry, the committee rose, reported progress and asked leave to sit again.

The special order, being the consideration of the first supplementary section to the report of the committee upon legislative department, was then taken up. It is as follows: "No person shall be incompetent as a witness on account of race or color, unless hereafter so declared by act of the General Assembly.